



VOSH PROGRAM DIRECTIVE: 12-402B

ISSUED: December 15, 1998

SUBJECT: Occupational Exposure to Methylene Chloride (“MC”), General Industry, § 1910.1052; Shipyard Employment, § 1915.1052; and Construction, § 1926.1152; Revised Final Rule

A. Purpose.

CHANGE I of this directive transmits to field personnel the above-referenced standards. **CHANGE II** extends the start-up dates for certain sections of the Methylene Chloride standard and makes necessary corrections. **CHANGE III** provides for limited medical removal protection (“MRP”) benefits and extends start-up dates for engineering controls and for use of respirators to achieve the eight-hour TWA PEL for employers using MC in specific applications.

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

B. Scope.

This directive applies to all VOSH personnel, and specifically to Occupational Health Compliance.

C. References.

CHANGE I: 62 FR 1496 (January 10, 1997).

CHANGE II: 62 FR 42666 (August 8, 1997); 62 FR 43581 (August 14, 1997); and 62 FR 48175 (September 15, 1997).

CHANGE III: 63 FR 50712 (September 22, 1998); and OSHA Memorandum 98-4 (October 7, 1998)

D. Cancellation.

VOSH Program Directive 12-402A (March 15, 1998)

E. Action.

The Deputy Commissioner, Directors and Managers shall assure that field personnel understand and comply with the provisions of these standards and revisions.

F. Effective Dates.

CHANGE I: July 15, 1997

CHANGE II: December 15, 1997

CHANGE III: January 1, 1999

G. Expiration Date.

Not Applicable.

H. Background.

CHANGE I: OSHA's revision of the Methylene Chloride ("MC") standard was prompted by a petition filed by the United Auto Workers union in 1985. The union, citing federal studies that had linked MC exposures to cancer, called on OSHA to move quickly toward issuing an emergency temporary standard to protect exposed workers. OSHA denied the petition but issued guidelines for controlling exposure to MC, and on November 26, 1986, published an advance notice of proposed rulemaking for MC.

The MC standard was adopted on April 7, 1997, by the Safety and Health Codes Board, with an effective date of July 15, 1997.

CHANGE II: After OSHA submitted the Methylene Chloride (MC) information collection request to the Office of Management and Budget (OMB) for approval, as required by the Paperwork Reduction Act of 1995, OSHA then realized that it had allowed only 30 days for compliance after the extended date for completion of initial monitoring; therefore, OSHA amended § 1910.1052(n)(2)(i)(C) to allow those affected employers an additional 30 days to comply with the initial monitoring requirements of § 1910.1052 (d)(2).

The Safety and Health Codes Board adopted the extended start-up dates and corrections at its meeting held on September 29, 1997, with an effective date of December 15, 1997.

CHANGE III: On January 10, 1997, OSHA issued the MC standard (62 FR 1494), which was designed to reduce both the risk that worker exposure to MC will cause cancer and the risk that MC will cause or aggravate certain other adverse health effects. After the MC standard was issued, the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), the Halogenated Solvents Industry Alliance, Inc. (HSIA), and others filed a motion with OSHA asking for reconsideration of two aspects of the standard: (1) the Agency's decision not to include medical removal protection benefits in the medical surveillance provisions of the standard; and (2) the start-up dates for engineering controls and for use of respirators to achieve the 8-hour TWA PEL for employers using MC in specific applications. Based on the rulemaking record and the comments received, OSHA adopted the revisions to this standard.

The Safety and Health Codes Board adopted this revised final rule at its meeting held on October 19, 1998, with an effective date of January 1, 1999.

I. Summary.

CHANGE I: The MC final rule was amended by reducing the existing eight-hour time-weighted average (TWA) permissible exposure limits (PEL) from 500 parts MC per million parts (ppm) of air to 25 ppm. Also, OSHA deleted the existing ceiling limit concentration of 1,000 ppm and reduced the existing short-term exposure limit from 2,000 ppm (measured over 5 minutes in any 2 hour period) to 125 ppm, measured as a 15-minute TWA. In addition, an “action level” of 12.5 ppm, measured as an 8-hour TWA is set. The final rule also contains provisions for exposure control, personal protective equipment, employee exposure monitoring, training, medical surveillance, hazard communication, regulated areas, and recordkeeping.

CHANGE II: An additional 30 days was provided for certain employers to comply with the start-up dates contained in § 1910.1052(n)(2)(i)(C) of the MC standard for General Industry. Specifically, the start-up date for initial monitoring was changed in Virginia to December 12, 1997, 150 days after its Virginia effective date of July 15, 1997. OSHA further extended the federal start-up compliance date for provisions, other than initial monitoring and engineering controls, to begin on February 10, 1998, 210 days from its Virginia effective date of July 15, 1997.

CHANGE III. The Methylene Chloride (“MC”) Standard for General Industry, § 1910.1052, was amended by adding a provision for temporary medical removal protection benefits (pay and other benefits for up to six months) for employees who are temporarily removed or transferred to another job because of a medical determination that exposure to MC may aggravate or contribute to the employee’s existing skin, heart, liver, or neurological disease.

Federal OSHA also amended start-up dates by which employers in certain identified application groups must achieve the eight-hour time-weighted permissible exposure limits (PEL) and the dates by which they must achieve the short-term exposure limit by means of engineering controls. Employers in the following application groups are affected: polyurethane foam manufacturing, foam fabrication, furniture refinishing, general aviation aircraft stripping, product formulation, boat building and repair, recreational vehicle manufacture, van conversion, upholstery, and construction work.

A new provision requires that employers choosing to postpone implementation of engineering controls and respiratory protection are required to conduct quarterly monitoring of short-term exposures in the interim.

John Mills Barr
Commissioner

e-Attachments: CHANGE I: None. See Safety and Health Standards for General Industry
CHANGE II: None. See Safety and Health Standards for General Industry
CHANGE III: 63 FR 50172 (September 22, 1998)
http://www.osha.gov/FedReg_osha_pdf/FED19980922.pdf

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Occupational Exposure to Methylene Chloride, General Industry, § 1910.1052; Shipyard Employment, § 1915.1052; and Construction, § 1926.1152

As adopted by the
Safety and Health Codes Board

Date: April 7, 1997



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective date: July 15, 1997

16 VAC 25-90-1910.1052, Occupational Exposure to Methylene Chloride, General Industry, § 1910.1052;
16 VAC 25-100-1915.1052, Occupational Exposure to Methylene Chloride, Shipyard Employment, § 1915.1052; 16 VAC 25-175-
1926.1152, Occupational Exposure to Methylene Chloride, Construction, § 1926.1152

When the regulations, as set forth in the final rules for Occupational Exposure to Methylene Chloride, General Industry, § 1910.1052; Shipyard Employment, § 1915.1052; and Construction, § 1926.1152, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
29 CFR	VOSH Standard
Assistant Secretary	Commissioner of Labor and Industry
Agency	Department
April 10, 1997	July 15, 1997

Implementation Schedule

Adoption date	04/07/97
Effective date	07/15/97

Initial Monitoring [§ 1910.1052(d)(2)]

For employers with fewer than 20 employees	within 300 days of 07/15/97 or by 05/11/98
For polyurethane foam mfg'rs with 20 to 99 employees	within 210 days of 07/15/97 or by 02/10/98
For other employers	within 120 days of 07/15/97 or by 11/12/97

Engineering controls [§ 1910.1052(f)(1)]

For employers with fewer than 20 employees	within 3 years of 07/15/97 or by 07/15/00
For polyurethane foam mfg'rs with 20 to 99 employees	within 2 years of 07/15/97 or by 07/15/99
For other employers	within 1 year of 07/10/97 or by 07/15/98

All other requirements of § 1910.1052

For employers with fewer than 20 employees	within 1 year of 07/15/97 or by 07/15/98
For polyurethane foam mfg'rs with 20 to 99 employees	within 270 days of 07/15/97 or by 04/11/98
For all other employers	within 180 days of 07/15/97 or by 01/11/98

Transitional dates: Exposure limits for MC specified in § 1910.1000, Table Z-2 shall remain in effect until the start-up dates for the exposure limits specified in § 1910.1052 (n), or if the exposure limits in this section are stayed or vacated.

**16 VAC 25-90-1910.1052, Occupational Exposure to Methylene Chloride,
General Industry, § 1910.1052**

As Adopted by the
Safety and Health Codes Board

Date: September 29, 1997



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: December 15, 1997

16 VAC 25-90-1910.1052, Occupational Exposure to Methylene Chloride,
General Industry, § 1910.1052

**16 VAC 25-90-1910.1052, Occupational Exposure to Methylene Chloride,
General Industry, § 1910.1052**

As Adopted by the
Safety and Health Codes Board

Date: October 19, 1998



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: January 1, 1999

16 VAC 25-90-1910.1052, Occupational Exposure to Methylene Chloride,
General Industry, § 1910.1052

When the regulations, as set forth in the revised final rule on 16 VAC 25-90-1910.1052, Occupational Exposure to Methylene Chloride, General Industry, § 1910.1052, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
29 CFR	VOSH Standard
Assistant Secretary	Commissioner of Labor and Industry
Agency	Department

Implementation Schedule

Adoption date	10/19/98
Effective date of original MC standard	07/15/97
Effective date of this final rule	01/01/99

Start-Up Dates Established in this Revised Final Rule

	Employers in selected applications* with fewer than 20 employees (n)(2)(ii)(B)	All other employers with fewer than 20 employees (n)(2)(ii)(A)	Polyurethane foam mfgs. with 20 or more employees (n)(2)(ii)(C)	Employers in selected applications* with 1-49 employees and foam fabricators with 1-149 employees (n)(2)(ii)(B)	Employers in selected applications * with 50 or more employees and foam fabricators with 150 or more employees (n)(2)(ii)(D)	All other employers with 20 or more employees (n)(2)(ii)(E)
Engineering controls to achieve 8-hour TWA PEL and STEL	Federal— 4/10/00 Virginia— 7/15/00	Federal— 4/10/00 Virginia— 7/15/00	Federal— 10/10/99 Virginia— 1/15/00	Federal— 4/10/00 Virginia— 7/15/00	Federal— 4/10/99 Virginia— 7/15/99	Federal— in effect Virginia— in effect
Respirators to achieve 8-hour TWA PEL	Federal— 04/10/00 Virginia— 07/15/00	Federal— in effect Virginia— in effect	Federal— 10/10/99 Virginia— 1/15/00	Federal— 4/10/00 Virginia— 7/15/00	Federal— 4/10/99 Virginia— 7/15/99	Federal— in effect Virginia— in effect
Respirators to achieve STEL	Federal— in effect Virginia— in effect	Federal— in effect Virginia— in effect	Federal— in effect Virginia— in effect	Federal— in effect Virginia— in effect	Federal— in effect Virginia— in effect	Federal— in effect Virginia— in effect
All other provisions	Federal— in effect Virginia— in effect	Federal— in effect Virginia— in effect	Federal— in effect Virginia— in effect	Federal— in effect Virginia— in effect	Federal— in effect Virginia— in effect	Federal— in effect Virginia— in effect

*The selected applications/operations are: furniture refinishing; general aviation aircraft stripping,; product formulation; use of MC-based adhesives for boat building and repair, recreational vehicle manufacture; van conversion; or upholstery; and use of MC in construction work for restoration and preservation of buildings, painting and paint removal, cabinet making, or floor refinishing and resurfacing.